

here is the problem that may have happened.

If there is no site visit to the petitioning church, you don't know whether it is a phony post office box or whether it is St. Joseph's Cathedral in downtown San Jose. So now that the Department of Homeland Security has done site inspections, anybody can see the beautiful St. Joseph's in downtown San Jose, and you can also find out there is something funny here because there is not a real church or it is just a post office box. And I think that is what has led to the dramatic decline in some of these more problematic applications.

I would note also, and I look forward to talking to the ranking member about his reciprocity bill, but let me just express a caution. Right now, Russia will not allow our evangelicals into their country to proselytize. I think that is the wrong thing for the Russian government to do. I think it denies the Russian people the opportunity to be exposed to those who believe that Christ is their personal saviour. But I don't think we ought to deny the Russian Orthodox believers in California the opportunity to receive assistance from Russian Orthodox religious workers simply because the Russian government has hostility towards religion and our government does not have hostility towards religion.

So I look forward to discussing this further with the ranking member, but I would want to add that cautionary.

Mr. KING of Iowa. Madam Speaker, I yield myself such time as I may consume.

In fact, I don't recall the unanimous consent request. Was that responded to by the Speaker?

The SPEAKER pro tempore. Yes, it was.

Mr. KING of Iowa. Okay, I didn't hear that. And I certainly don't reserve nor do I object to that e-mail from USCIS being introduced into the RECORD. In fact, I would like to read it into the RECORD.

It says, "The religious worker BFA non-immigrant had a 32.73 percent fraud rate out of a sample of 220 cases. The public version of the BFA did not further break down the 220 cases into religious categories. The fraud rate for Muslim organization has been spoken of many times on the Hill for some time. The reality is that because the population sample for Muslim groups in the BFA is so small, the rate of fraud is statistically insignificant. I am still waiting on the site check data."

I believe that is the e-mail referenced by the gentlewoman from California, and I reference it here to speak to the data that is in the report rather than a comment about the data that is in the report.

These 220 cases were drawn to give indicators for further scrutiny. When you see a 70, 73 or 80 percent fraud rate, there is an obligation to look into that and verify the sources of that fraud and

also the indicators that it might be greater, not less. I don't imply it is, but we can draw just as much inference that it is greater than it is less from these statistics.

I pointed out that Jamaica has a 100 percent fraud rate out of the sample in this study. That doesn't mean there aren't other denominations we shouldn't be looking at. But I am looking at each one of these cases, and I referenced the special registrant countries that are part of that list. The special registrant countries would be, for the record, Iran, Iraq, Syria, Sudan, Libya, Afghanistan, Algeria, Bahrain, Eritrea, Lebanon, Morocco, North Korea, Oman, Qatar, Somalia, Tunisia, United Arab Emirates, Yemen, Egypt and Pakistan.

For the record, when I referenced then the special registrant countries, those are the countries. This is the record. It is the data we are dealing with. I think that it is something that we need to pay special scrutiny to. But we should encourage the reciprocity and the exchange of religious workers.

Madam Speaker, I reserve the balance of my time.

Mr. CONYERS. Madam Speaker, I am very happy to yield back my time if the other side has no further speakers.

Mr. KING of Iowa. If the gentleman would yield, I would like perhaps 30 seconds just to wrap it up.

Mr. CONYERS. Absolutely.

Madam Speaker, I return any unused time.

Mr. KING of Iowa. Madam Speaker, I think this has been a very healthy debate. It has brought issues out into the Record that are going to be useful for us to reference. I pointed out that I do have data here that hasn't become part of the Record and I have withheld it for some reasons of discretion.

I look forward to reaching across the aisle and working with the Members across the aisle to look into those concentrated areas of fraud and work together to see if we can find a way to establish a policy of reciprocity for religious workers, and, at the same time, celebrate the great religions of the world and the exchange of those religions.

Mr. TANCREDO. Madam Speaker, I rise to oppose H.R. 5570, a bill which will again reauthorize the Religious Worker Visa. The new majority apparently thinks we need to add "ministry" to the list of jobs that "Americans won't do." Then again, with the level of hostility the Democrats have towards religion in America, there may come a time when we do have to import religious workers. Fortunately, we aren't at that point quite yet.

Regrettably, this program is far from comical. Just last year, the U.S. Citizenship and Immigration Service attested to the fact that this visa had been "compromised." The fraud rate is "excessively high" according to Emilio Gonzalez, head of USCIS. In fact, a DHS fraud-prevention task force found that a whopping 33 percent of the visas in this program were granted based on fraudulent information.

Even worse, rampant fraud and abuse has characterized this program, practically since its

inception in 1990. A GAO report about the program back in 1999 found that, "As a result of . . . fraud investigations, both [the State Department and the INS] have expressed concern that some individuals and organizations that sponsor religious workers may be exploiting this category to enable unqualified aliens to enter or stay in the United States illegally."

Madam Speaker, some might point out that this program is not very large in the scope of the total number of visas. But I would remind them that we know the amount of damage a handful of determined enemies can inflict when they are allowed to abuse our visa system.

The last thing we want to do is perpetuate a program we know is fatally flawed, and continue a policy that just might be rolling out a welcome mat for some of the most radical imams in the Middle East. I urge a "no" vote on this bill. Let's close this giant loophole in our national security.

Mr. KING of Iowa. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. CONYERS) that the House suspend the rules and pass the bill, H.R. 5570, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The title was amended so as to read: "A bill to amend the Immigration and Nationality Act with respect to the special immigrant nonminister religious worker program, and for other purposes."

A motion to reconsider was laid on the table.

□ 1400

#### EMERGENCY ASSISTANCE FOR SECURE ELECTIONS ACT OF 2008

Ms. ZOE LOFGREN of California. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5036) to direct the Administrator of General Services to reimburse certain jurisdictions for the costs of obtaining paper ballot voting systems for the general elections for Federal office to be held in November 2008, to reimburse jurisdictions for the costs incurred in conducting audits or hand counting of the results of the general elections for Federal office to be held in November 2008, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5036

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Emergency Assistance for Secure Elections Act of 2008".

#### SEC. 2. PAYMENTS TO CERTAIN JURISDICTIONS CONDUCTING 2008 GENERAL ELECTIONS.

(a) REIMBURSEMENT FOR CONVERSION TO PAPER BALLOT VOTING SYSTEM.—

(1) IN GENERAL.—The Election Assistance Commission shall pay to each eligible jurisdiction an amount equal to the sum of the following:

(A) The documented reasonable costs paid or incurred by such jurisdiction to replace any voting systems used to conduct the general elections for Federal office held in November 2006 that did not use or produce a paper ballot verified by the voter or a paper ballot printout verifiable by the voter at the time the vote is cast with paper ballot voting systems.

(B) The documented reasonable costs paid or incurred by such jurisdiction to obtain non-tabulating ballot marking devices that are accessible for individuals with disabilities in accordance with the requirements of section 301(a)(3) of the Help America Vote Act of 2002.

(C) The documented reasonable costs paid or incurred by such jurisdiction to obtain ballot marking stations or voting booths for the protection of voter privacy.

(D) The documented reasonable costs paid or incurred by such jurisdiction to obtain paper ballots.

(E) The documented reasonable costs paid or incurred by such jurisdiction to obtain precinct-based equipment that tabulates paper ballots or scans paper ballots.

(F) The documented reasonable administrative costs paid or incurred by such jurisdiction that are associated with meeting the requirements for an eligible jurisdiction.

(2) **ELIGIBLE JURISDICTION DEFINED.**—In this subsection, an “eligible jurisdiction” means a jurisdiction that submits to the Commission (and, in the case of a county or equivalent jurisdiction, provides a copy to the State), at such time and in such form as the Commission may require, an application containing—

(A) assurances that the jurisdiction conducted regularly scheduled general elections for Federal office in November 2006 using (in whole or in part) a voting system that did not use or produce a paper ballot verified by the voter or a paper ballot printout verifiable by the voter at the time the vote is cast;

(B) assurances that the jurisdiction will conduct the regularly scheduled general elections for Federal office to be held in November 2008 using only paper ballot voting systems;

(C) assurances that the jurisdiction has obtained or will obtain a sufficient number of non-tabulating ballot marking devices that are accessible for individuals with disabilities in accordance with the requirements of section 301(a)(3) of the Help America Vote Act of 2002;

(D) assurances that the jurisdiction has obtained or will obtain a sufficient number of ballot marking stations or voting booths for the protection of voter privacy;

(E) assurances that the jurisdiction has obtained or will obtain a sufficient number of paper ballots;

(F) such information and assurances as the Commission may require to make the determinations under paragraph (1); and

(G) such other information and assurances as the Commission may require.

(3) **DETERMINATIONS OF REASONABLENESS OF COSTS.**—The determinations under paragraph (1) of whether costs paid or incurred by a jurisdiction are reasonable shall be made by the Commission.

(4) **PAPER BALLOT VOTING SYSTEM DEFINED.**—In this subsection, a “paper ballot voting system” means a voting system that uses a paper ballot marked by the voter by hand or a paper ballot marked by the voter with the assistance of a non-tabulating ballot marking device described in paragraph (1)(B).

(b) **REIMBURSEMENT FOR RETROFITTING OF DIRECT RECORDING ELECTRONIC VOTING SYSTEMS TO PRODUCE VOTER VERIFIABLE PAPER RECORDS.**—

(1) **IN GENERAL.**—The Commission shall pay to each eligible jurisdiction an amount equal to the documented reasonable costs paid or incurred by such jurisdiction to retrofit direct recording electronic voting systems so that the systems will produce a voter verifiable paper record of the marked ballot for verification by the voter at the time the vote is cast, including the costs of obtaining printers to produce the records.

(2) **ELIGIBLE JURISDICTION DEFINED.**—In this subsection, an “eligible jurisdiction” means a jurisdiction that submits to the Commission (and, in the case of a county or equivalent jurisdiction, provides a copy to the State), at such time and in such form as the Commission may require, an application containing—

(A) assurances that the jurisdiction has obtained or will obtain a printer for and retrofit each direct recording electronic voting system used to conduct the general elections for Federal office held in November 2008 so that the system will produce a voter verifiable paper record of the marked ballot for verification by the voter;

(B) such information and assurances as the Commission may require to make the determinations under paragraph (1); and

(C) such other information and assurances as the Commission may require.

(3) **DETERMINATION OF REASONABLENESS OF COSTS.**—The determinations under paragraph (1) of whether costs paid or incurred by a jurisdiction are reasonable shall be made by the Commission.

(c) **REIMBURSEMENT FOR PROVISION OF BACKUP PAPER BALLOTS BY JURISDICTIONS USING DIRECT RECORDING ELECTRONIC VOTING SYSTEMS.**—

(1) **IN GENERAL.**—The Commission shall pay to each eligible jurisdiction an amount equal to the documented reasonable costs paid or incurred by such jurisdiction to obtain, deploy, and tabulate backup paper ballots (and related supplies and equipment) that may be used in the event of the failure of a direct recording electronic voting system in the regularly scheduled general elections for Federal office to be held in November 2008.

(2) **ELIGIBLE JURISDICTION DEFINED.**—In this subsection, an “eligible jurisdiction” means a jurisdiction that submits to the Commission (and, in the case of a county or equivalent jurisdiction, provides a copy to the State), at such time and in such form as the Commission may require, an application containing—

(A) assurances that the jurisdiction will post, in a conspicuous manner at all polling places at which a direct recording electronic voting system will be used in such elections, a notice stating that backup paper ballots are available at the polling place and that a voter is entitled to use such a ballot upon the failure of a voting system;

(B) assurances that the jurisdiction counts each such backup paper ballot cast by a voter as a regular ballot cast in the election, and does not treat it (for eligibility purposes) as a provisional ballot under section 302(a) of the Help America Vote Act of 2002, unless the individual casting the ballot would have otherwise been required to cast a provisional ballot;

(C) such information and assurances as the Commission may require to make the determinations under paragraph (1); and

(D) such other information and assurances as the Commission may require.

(3) **DETERMINATION OF REASONABLENESS OF COSTS.**—The determinations under paragraph (1) of whether costs paid or incurred by a jurisdiction are reasonable shall be made by the Commission.

(d) **AMOUNTS.**—There are authorized to be appropriated to the Commission such sums as may be necessary for payments under this

section. Any amounts appropriated pursuant to the authorization under this subsection shall remain available until expended.

### **SEC. 3. PAYMENTS FOR CONDUCTING MANUAL AUDITS OF RESULTS OF 2008 GENERAL ELECTIONS.**

(a) **PAYMENTS.**—

(1) **ELIGIBILITY FOR PAYMENTS.**—If a State conducts manual audits of the results of any of the regularly scheduled general elections for Federal office in November 2008 (and, at the option of the State, conducts audits of elections for State and local office held at the same time as such election) in accordance with the requirements of this section, the Commission shall make a payment to the State in an amount equal to the documented reasonable costs incurred by the State in conducting the audits.

(2) **CERTIFICATION OF COMPLIANCE AND COSTS.**—

(A) **CERTIFICATION REQUIRED.**—In order to receive a payment under this section, a State shall submit to the Commission, in such form as the Commission may require, a statement containing—

(i) a certification that the State conducted the audits in accordance with all of the requirements of this section;

(ii) a statement of the reasonable costs incurred in conducting the audits; and

(iii) such other information and assurances as the Commission may require.

(B) **AMOUNT OF PAYMENT.**—The amount of a payment made to a State under this section shall be equal to the reasonable costs incurred in conducting the audits.

(C) **DETERMINATION OF REASONABLENESS OF COSTS.**—The determinations under this paragraph of whether costs incurred by a State are reasonable shall be made by the Commission.

(3) **TIMING OF PAYMENTS.**—The Commission shall make the payment required under this section to a State not later than 30 days after receiving the statement submitted by the State under paragraph (2).

(4) **MANDATORY IMMEDIATE REIMBURSEMENT OF COUNTIES AND OTHER JURISDICTIONS.**—If a county or other jurisdiction responsible for the administration of an election in a State incurs costs as the result of the State conducting an audit of the election in accordance with this section, the State shall reimburse the county or jurisdiction for such costs immediately upon receiving the payment from the Commission under paragraph (3).

(5) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to the Commission such sums as may be necessary for payments under this section. Any amounts appropriated pursuant to the authorization under this subsection shall remain available until expended.

(b) **AUDIT REQUIREMENTS.**—In order to receive a payment under this section for conducting an audit, the State shall meet the following minimum requirements:

(1) Not later than 30 days before the date of the regularly scheduled general election for Federal office in November 2008, the State shall establish and publish guidelines, standards, and procedures to be used in conducting audits in accordance with this section.

(2) The State shall select an appropriate entity to oversee the administration of the audit, in accordance with such criteria as the State considers appropriate consistent with the requirements of this section, except that the entity must meet a general standard of independence as defined by the State.

(3) The State shall determine whether the units in which the audit will be conducted will be precincts or some alternative auditing unit, and shall apply that determination

in a uniform manner for all audits conducted in accordance with this section.

(4) The State shall select the precincts or alternative auditing units in which audits are conducted in accordance with this section in a random manner following the election after the final unofficial vote count (as defined by the State) has been announced, such that each precinct or alternative auditing unit in which the election was held has an equal chance of being selected, subject to paragraph (9), except that the State shall ensure that at least one precinct or alternative auditing unit is selected in each county in which the election is held.

(5) The audit shall be conducted in not less than 2 percent of the precincts or alternative auditing units in the State (in the case of a general election for the office of Senator) or the Congressional district involved (in the case of an election for the office of Representative in, or Delegate or Resident Commissioner to, the Congress).

(6) The State shall determine the stage of the tabulation process at which the audit will be conducted, and shall apply that determination in a uniform manner for all audits conducted in accordance with this section, except that the audit shall commence within 48 hours after the State or jurisdiction involved announces the final unofficial vote count (as defined by the State) in each precinct in which votes are cast in the election which is the subject of the audit.

(7) With respect to each precinct or alternative audit unit audited, the State shall ensure that a voter verified paper ballot or paper ballot printout verifiable by the voter at the time the vote is cast is available for every vote cast in the precinct or alternative audit unit, and that the tally produced by counting all of those paper ballots or paper ballot printouts by hand is compared with the corresponding final unofficial vote count (as defined by the State) announced with respect to that precinct or audit unit in the election.

(8) Within each precinct or alternative audit unit, the audit shall include all ballots cast by all individuals who voted in or who are under the jurisdiction of the precinct or alternative audit unit with respect to the election, including absentee ballots (subject to paragraph (9)), early ballots, emergency ballots, and provisional ballots, without regard to the time, place, or manner in which the ballots were cast.

(9) If a State establishes a separate precinct for purposes of counting the absentee ballots cast in the election and treats all absentee ballots as having been cast in that precinct, and if the state does not make absentee ballots sortable by precinct and include those ballots in the hand count described in paragraph (7) which is administered with respect to that precinct, the State may divide absentee ballots into audit units approximately equal in size to the average precinct in the State in terms of the number of ballots cast, and shall randomly select and include at least 2 percent of those audit units in the audit. Any audit carried out with respect to such an audit unit shall meet the same standards applicable under paragraph (7) to audits carried out with respect to other precincts and alternative audit units, including the requirement that all paper ballots be counted by hand.

(10) The audit shall be conducted in a public and transparent manner, such that members of the public are able to observe the entire process.

(c) COLLECTION AND SUBMISSION OF AUDIT RESULTS; PUBLICATION.—

(1) STATE SUBMISSION OF REPORT.—In order to receive a payment under this section, a State shall submit to the Commission a report, in such form as the Commission may

require, on the results of each audit conducted under this section.

(2) COMMISSION ACTION.—The Commission may request additional information from a State based on the report submitted under paragraph (1).

(3) PUBLICATION.—The Commission shall publish each report submitted under paragraph (1) upon receipt.

(d) DELAY IN CERTIFICATION OF RESULTS BY STATE.—No State may certify the results of any election which is subject to an audit under this section prior to completing the audit, resolving discrepancies discovered in the audit, and submitting the report required under subsection (c).

#### SEC. 4. PAYMENTS FOR CONDUCTING HAND COUNTS OF RESULTS OF 2008 GENERAL ELECTIONS.

(a) PAYMENTS.—

(1) ELIGIBILITY FOR PAYMENTS.—If a State, county, or equivalent location tallies the results of any regularly scheduled general election for Federal office in November 2008 by conducting a hand count of the votes cast on the paper ballots used in the election (including paper ballot printouts verifiable by the voter at the time the vote is cast) in accordance with the requirements of this section, the Commission shall make a payment to the State, county, or equivalent location in an amount equal to the documented reasonable costs incurred by the State, county, or equivalent location in conducting the hand counts.

(2) CERTIFICATION OF COMPLIANCE AND COSTS.—

(A) CERTIFICATION REQUIRED.—In order to receive a payment under this section, a State, county, or equivalent location shall submit to the Commission (and, in the case of a county or equivalent jurisdiction, shall provide a copy to the State), in such form as the Commission may require, a statement containing—

(i) a certification that the State, county, or equivalent location conducted the hand counts in accordance with all of the requirements of this section;

(ii) a statement of the reasonable costs incurred by the State, county, or equivalent location in conducting the hand counts; and

(iii) such other information and assurances as the Commission may require.

(B) AMOUNT OF PAYMENT.—The amount of a payment made to a State, county, or equivalent location under this section shall be equal to the reasonable costs incurred by the State, county, or equivalent location in conducting the hand counts.

(C) DETERMINATION OF REASONABLENESS OF COSTS.—The determinations under this paragraph of whether costs incurred by a State, county, or equivalent location are reasonable shall be made by the Commission.

(3) TIMING OF PAYMENTS.—The Commission shall make the payment required under this section to a State, county, or equivalent location not later than 30 days after receiving the statement submitted by the State, county, or equivalent location under paragraph (2).

(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Commission such sums as may be necessary for payments under this section. Any amounts appropriated pursuant to the authorization under this subsection shall remain available until expended.

(b) HAND COUNTS DESCRIBED.—

(1) IN GENERAL.—A hand count conducted in accordance with this section is a count of all of the paper ballots on which votes were cast in the election (including paper ballot printouts verifiable by the voter at the time the vote is cast), including votes cast on an early, absentee, emergency, and provisional basis, which is conducted by hand to deter-

mine the winner of the election and is conducted without using electronic equipment or software.

(2) COMPLETENESS.—With respect to each jurisdiction in which a hand count is conducted, the State, county, or equivalent location shall ensure that a voter verified paper ballot or paper ballot printout verifiable by the voter at the time the vote is cast is available for every vote cast in the jurisdiction.

(c) PROCESS FOR CONDUCTING HAND COUNTS.—

(1) IN GENERAL.—In order to meet the requirements of this section, a hand count of the ballots cast in an election shall be conducted in accordance with the following procedures:

(A) After the closing of the polls on the date of the election, the appropriate election official shall secure the ballots at the polling place (or, in the case of ballots cast at any other location, at the office of the chief election official of the jurisdiction conducting the hand count).

(B) Beginning at any time after the expiration of the 8-hour period that begins at the time the polls close on the date of the election, the jurisdiction shall conduct an initial hand count of the ballots cast in the election, using the ballots which are eligible to be counted in the election as of the time the polls are closed.

(C) Any ballot which is eligible to be counted in the election but which is not included in the initial count conducted under subparagraph (B), including a provisional ballot cast by an individual who is determined to be eligible to vote in the election or an absentee ballot received after the date of the election but prior to the applicable deadline under State law for the receipt of absentee ballots, shall be subject to a hand count in accordance with this section and added to the tally conducted under subparagraph (B) not later than 48 hours after the ballot is determined to be eligible to be counted.

(D) The hand count shall be conducted by a team of not fewer than 2 individuals who shall be witnessed by at least one observer sitting at the same table with such individuals. Except as provided in paragraph (2), all such individuals shall be election officials of the jurisdiction in which the hand count is conducted. The number of such individuals who are members of the political party whose candidates received the greatest number of the aggregate votes cast in the regularly scheduled general elections for Federal office held in the State in November 2006 shall be equal to the number of such individuals who are members of the political party whose candidates received the second greatest number of the aggregate votes cast in the regularly scheduled general elections for Federal office held in the State in November 2006.

(E) After the completion of the hand count, the ballots may be run through a tabulating machine or scanner for comparison with the tally, if such a machine or scanner is available.

(2) USE OF OTHER PERSONNEL.—An individual who is not an election official of the jurisdiction in which a hand count is conducted under this section may serve on a team conducting the hand count or may serve as an observer of a team conducting the hand count if the jurisdiction certifies that the individual has completed such training as the jurisdiction deems appropriate to conduct or observe the hand count (as the case may be).

(3) LOCATION.—The hand counts conducted under this section of the ballots cast in an election shall be conducted—

(A) in the case of ballots cast at a polling place on the date of the election, at the polling place at which the ballots were cast; or

(B) in the case of any other ballots, at the office of the chief election official of the jurisdiction conducting the hand count.

(4) **INFORMATION INCLUDED IN RESULTS.**—Each hand count conducted under this section shall produce the following information with respect to the election:

(A) The vote tally for each candidate.

(B) The number of overvotes, undervotes, spoiled ballots, and blank ballots cast (or their equivalents, as defined by the State, county or equivalent location).

(C) The number of write-in ballots and the names written in on such ballots pursuant to State law.

(D) The total number of ballots cast.

(E) A record of judgement calls made regarding voter intent.

(5) **PUBLIC OBSERVATION OF HAND COUNTS.**—Each hand count conducted under this section shall be conducted in a manner that allows public observation of the entire process (including the opening of the ballot boxes or removal of machine-printed ballots from their containers, the sorting, counting, and notation of results, and the announcement of final determinations) sufficient to confirm but not interfere with the proceedings.

(6) **ESTABLISHMENT AND PUBLICATION OF PROCEDURES.**—Prior to the date of the regularly scheduled general election for Federal office held in November 2008, a State, county, or equivalent location shall establish and publish procedures for carrying out hand counts under this subsection.

(d) **APPLICATION TO JURISDICTIONS CONDUCTING ELECTIONS WITH DIRECT RECORDING ELECTRONIC VOTING SYSTEMS.**—

(1) **REQUIRING SYSTEMS TO PRODUCE VOTER VERIFIABLE PAPER RECORD.**—If a State, county, or equivalent location uses a direct recording electronic voting system to conduct an election, the State, county, or equivalent location may not receive a payment under this section for conducting a hand count of the votes cast in the election unless (in addition to meeting the other requirements applicable under this section) the State, county, or equivalent location certifies to the Commission that each such system produces a paper record printout of the marked ballot which is verifiable by the voter at the time the vote is cast.

(2) **TREATMENT OF PAPER RECORD PRINTOUTS.**—In applying this section to a hand count conducted by a State, county, or equivalent location which provides a certification to the Commission under paragraph (1), the paper record printout referred to in such paragraph shall be treated as the paper ballot used in the election.

(e) **ANNOUNCEMENT AND POSTING OF RESULTS.**—Upon the completion of a hand count conducted under this section, the State, county, or equivalent location shall announce the results to the public and post them on a public Internet site.

(f) **USE OF HAND COUNT IN CERTIFICATION OF RESULTS.**—The State shall use the results of the hand count conducted under this section for purposes of certifying the results of the election involved. Nothing in this section may be construed to affect the application or operation of any State law governing the recount of the results of an election.

**SEC. 5. STUDY, DEVELOPMENT OF TESTING METHODS, AND ACCELERATION OF DEVELOPMENT OF PRODUCTS AND STANDARDS TO ENSURE ACCESSIBILITY OF PAPER BALLOT VERIFICATION AND CASTING FOR CERTAIN INDIVIDUALS.**

(a) **STUDY, TESTING, AND DEVELOPMENT.**—In accordance with OMB Circular A-119, the Director of the National Institute of Standards

and Technology (hereafter in this section referred to as the “Director”) shall study, develop testing methods, and accelerate the development of products and standards that ensure the accessibility of paper ballot verification and casting for individuals with disabilities, for voters whose primary language is not English, and for voters with difficulties in literacy, including the mechanisms themselves and the processes through which the mechanisms are used. In carrying out this subsection, the Director shall investigate existing and potential methods or systems, including non-electronic systems, that will assist such individuals and voters in creating voter verified paper ballots, presenting or transmitting the information printed or marked on such ballots back to such individuals and voters in an accessible form, and enabling the voters to cast the ballots.

(b) **REPORT.**—Not later than June 30, 2009, the Director shall submit a report to Congress on the results of the studying, development of testing methods, and acceleration of the development of products and standards under subsection (a).

(c) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to the Director such sums as may be necessary to carry out this section, to remain available until expended.

**SEC. 6. DEFINITIONS.**

In this Act—

(1) the term “Commission” means the Election Assistance Commission; and

(2) the term “State” includes the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, and the United States Virgin Islands.

The **SPEAKER** pro tempore (Mr. SERRANO). Pursuant to the rule, the gentlewoman from California (Ms. ZOE LOFGREN) and the gentleman from Michigan (Mr. EHLERS) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

**GENERAL LEAVE**

Ms. ZOE LOFGREN of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on H.R. 5036 and to include extraneous matter.

The **SPEAKER** pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. ZOE LOFGREN of California. Mr. Speaker, H.R. 5036, the Emergency Assistance for Secure Elections Act 2008, is a bill that provides State and local governments the opportunity to have safe, secure and auditable elections in this, the election, year.

I commend Congressman HOLT and his bipartisan cosponsors for their continued dedication to the issue of election reform.

This bill recognizes that 2008 is quickly approaching and options must be provided to ensure the integrity of the vote. Our election process must be open and transparent to ensure public confidence. We are now 8 months from the general election and cannot place State and local governments in a position to require change. Therefore, the bill is 100 percent optional.

State and local governments can choose which provisions they can successfully implement. Opting in entitles

the State or jurisdiction to reimburse. In committee, several changes were made to this bill through bipartisan cooperation, and I want to thank Mr. EHLERS for his support during the committee markup. Changes were also made to meet the concerns of disability groups, as well as State and local government.

H.R. 5036, as amended, reimburses jurisdictions for retrofitting paperless touch-screen voting machines, or DREs, with systems that produce a voter verifiable paper record, allows for reimbursements for jurisdictions to obtain backup paper ballots in the event of failure of electronic voting systems and authorizes reimbursement for jurisdictions which conduct a manual audit of a Federal and any State and local election in November, 2008, in no less than 2 percent of the precincts.

During the markup, all the amendments offered by the Republicans were accepted by voice vote, and those four amendments were to allow for audits to commence within 48 hours after States or relevant jurisdictions involved announced the unofficial vote count. It requires no hand count to commence until at least 8 hours after the polls close and requires the ballots to be in a secured location until the hand count commences, and ensures that the hand-counting teams, when conducting a hand count of the election results, have equal representation from both political parties of the candidates who received the two greatest numbers of aggregate votes cast, and requires that after the hand count is complete the ballots be run through a tabulating machine or scanner for verification of the tally, if such a machine or scanner is available.

Having a voter verified paper trail with an automatic routine audit will go a long way to increase voter confidence and deter fraud.

Post-election audits are an essential tool to increase voter confidence in the election process. While the bill authorizes such sums as necessary, the CBO has come back to us with a score of \$685 million, about what we expected, and a sum that was in the original Holt bill.

The CBO score, however, anticipates the participation of everyone in this bill. I think it is highly unlikely that every jurisdiction will participate in every aspect of the bill, since they have the opportunity to do nothing or to pick and choose portions of the bill. It is clear that the actual score or total would be less.

I would note that we are spending over \$10 billion a month in Iraq and that we have spent a total of \$1.32 billion on democracy-building programs in Afghanistan and Iraq. The CBO figure is certainly less than that. It seems to me, if we can't protect our elections at home, really, how are we supposed to be a model of democracy without safe and secure and auditable elections.

The country could end up revisiting the contentious and mistrusted count

of 2000 and, even more recently, in the contested election of District 13 where people could not verify votes through an actual written ballot.

The bill reported out of committee makes the changes requested by the minority to the legislation but keeps the core purpose of the bill, providing a voter verifiable paper and auditable paper trail.

If this bill is enacted promptly, jurisdiction should have adequate time to purchase and implement the voting system upgrades and the other provisions of this bill and provide voter confidence in the integrity of the 2008 election.

I urge all of my colleagues to support this option bill, this bipartisan effort.

Mr. Speaker, I reserve the balance of my time.

Mr. EHLERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today to discuss this bill and, first of all, to commend Mr. HOLT for his efforts and his concerns.

He is sincerely and extremely concerned about accuracy in voting, and what can be done to make certain that the results are accurate. He expressed that in his first bill, H.R. 811, which did not receive committee consideration.

I spent considerable time with him trying to work out the details of that bill, but we simply could not reach agreement or even come close to agreement.

I commend Mr. HOLT again for his concern and his persistence, as he authored H.R. 5036. When I reviewed it with him I thought this might be a much better basis for agreement and, that by working together, we might be able to achieve that.

Unfortunately, we have not achieved full agreement on it, although we did get it out of committee. I supported it out of committee because I thought it should reach the floor for floor debate. I anticipated that it would be taken up under a rule where we might have the possibility for an additional compromise, but that has not happened.

There are a number of issues that still remain. I agree with Mr. HOLT that we should have some type of redundancy in our recording systems. I disagree that it has to be paper. I think there are other methods of achieving redundancy.

Recently we had an exposition in the House Administration Committee room where we had demonstrations of equipment which shows redundancy in an electronic fashion, and I think would be fully as reliable as redundancy in paper.

Another area where we disagree is in the hand counting of ballots. I have enough experience with elections in local politics to recognize that hand counting is not as accurate as almost any machine counting that I have seen.

There are ways of achieving what Mr. HOLT wishes. I think the optical-scan method is certainly a valid one, and that is what the State of Michigan

uses. Other States are beginning to go use that.

But the final blow to our efforts was the judgment of the CBO that it was \$685 million for 1 year. I realize that Mr. HOLT had estimated that would be the cost in his original bill. In fact he had included it as an authorization in his original bill.

But having the CBO report that large sum that casts a pall over this particular bill in respect to the opinions of the Members of this body, and I am afraid that is likely to be the death knell.

In summary, I certainly commend Mr. HOLT for his concerns. I commend him for his efforts. I just don't think we have achieved enough agreement to effectively make this a bipartisan bill. Therefore, I suspect it will not pass, and I will have great difficulty supporting it at this point.

Mr. Speaker, I reserve the balance of my time.

Ms. ZOE LOFGREN of California. Mr. Speaker, I would like to recognize the author of the bill, Congressman Rush Holt from New Jersey, who has been tremendously diligent in pursuing these reform measures. Really, without his persistence, we would not be here today.

I would recognize him for 5 minutes.

Mr. HOLT. I thank the gentlelady.

Mr. Speaker, I rise to urge my colleagues to support the Emergency Assistance for Secure Elections Act of 2008.

This is a bill that is optional for counties. It's to encourage counties and States to do the right thing. We should all want national standards of accessibility, reliability and auditability for our elections. This is an emergency stop-gap measure to see that we achieve as much of that as possible before the November elections.

The principle is simple. Anything of value should be auditable. Votes are valuable. They should be audited so that voters can have the confidence that each vote is recorded the way the voter intended. In too many places around the United States, votes are not audited.

In too many places around the United States, they are not even auditable. Voters leave the polling places wondering if their vote will be counted as they intended and election losers and their supporters are left wondering if they can believe the results.

Already in this primary season, there have been numerous, numerous problems, questions, and unresolved disputes.

In county after county, in State after State, electronic voting systems have failed in many ways, failure to start-up in the morning, a mismatch between the electronic count and the end-of-day printout, failed memory cards, and on and on and on. In too many places, the irregularities can not be resolved. There is no way to resolve them. There is no way to know because there is no record of the voter's intentions.

This legislation would reimburse counties and States for allowing voters to inspect paper-based records of their vote, in other words, paper ballots. That would not only make it possible for audits, but this legislation would go further and reward States for putting in place procedures to conduct those audits. This would go a long way toward restoring confidence in the process.

There is still time before November to secure our election system. If our Emergency Assistance for Secure Elections Act is enacted, localities could choose to convert to paper ballot voting systems, offer emergency paper ballots if machines fail, and to conduct audits to confirm the accuracy of the electronic tallies.

I want to stress that this is optional. We took great pains to accept the suggestions of the minority party, to take suggestions of election officials, to take suggestions of people all over the country, lawyers and others who have looked at elections in detail. We simplified this so that counties could not object that we were making them do something that we weren't going to support them on. This is optional. We have simplified it as much as possible so that it could be implemented in time for this year's election, and it could be.

□ 1415

This modest bill simply entitles jurisdictions to reimbursement for the costs to conduct fully auditable, fully audited elections. It will encourage States and counties that want to do the right thing on behalf of their voters. But time is of the essence.

If we don't take action immediately, we will not leave enough time for States that wish to opt to do so before the November election. Voters will lose further confidence in the system, and candidates will leave on election night wondering if they can trust the results.

Common Cause wrote: "The security and reliability problems with electronic machines have been well documented. Both the State of California with the Top to Bottom Review and the State of Ohio with their study have documented numerous security vulnerabilities and have systems and have taken action to protect voters. Additionally, a number of academic and public policy experts have recommended that the shortcomings of these systems be addressed. Finally, there have been a number of incidents in which voters have been disenfranchised and election outcomes thrown into doubt because the machines have simply failed to work properly."

The Brennan Center for Justice at the New York University School of Law writes: "Reports of machine problems during States' recent Presidential primary elections provide a preview of potentially widespread machine failure and disenfranchisement in November."

They and others go on to argue that this simple, straightforward legislation

will allow many counties and States around the country to address these problems in time for their November election so that we can have a truly reliable, accessible and auditable election that voters can believe in.

I yield back the balance of my time with thanks to the gentlelady from California for her diligent work in putting together such a good piece of legislation.

Ms. ZOE LOFGREN of California. I thank the gentleman, and I reserve the balance of my time.

Mr. EHLERS. I yield 3 minutes to the gentleman from Ohio (Mr. REGULA).

(Mr. REGULA asked and was given permission to revise and extend his remarks.)

Mr. REGULA. Mr. Speaker, I rise in opposition to H.R. 5036.

CBO estimates that this bill will cost the taxpayers \$685 million to reimburse jurisdictions for the cost of converting to voting systems that produce paper ballots, manual audits and hand recounts. We have already provided the States with \$3.2 billion in grants to implement the Help America Vote Act, including \$115 million appropriated in fiscal year 2008.

The administration of elections is a State and local responsibility. Many jurisdictions have already decided to change their election systems to require paper ballots using their own resources. This bill would encourage other jurisdictions to rush the implementation of new paper ballot systems for the November election.

In written testimony before the Appropriations Subcommittee, the bipartisan Election Assistance Commission stated: "Experience has taught election officials that a minimum of 6 to 8 months, and preferably longer, is needed to effectively implement a new voting system and to educate the voting public about how to use the system. Consistency in procedures and process is key in creating a secure, accurate and effective election. As we have seen in Ohio and in several other jurisdictions, the hasty attaching of a printer to some machines has led to paper jams, long lines, and confusion. While jurisdictions may find a voter verified paper audit trail to be suitable for their needs, hastily requiring such a thing for this year's election has the potential to lead to more problems than it can possibly solve. At this point in the election cycle, election officials are better served by sharpening their already existing policies than trying to apply patchwork fixes that could lead to greater problems."

That was from the Election Assistance Commission which is a bipartisan group.

I would add, this bill will not only put the country further in debt, but would encourage jurisdictions to implement new voting systems between the primaries and general election, leading to additional election problems.

I urge my colleagues to vote "no" on this legislative proposal.

Ms. ZOE LOFGREN of California. Mr. Speaker, Mr. DAVIS of Virginia is a principal cosponsor and I don't see him here, so I will yield to Mr. HOLT for 1 minute.

Mr. HOLT. I thank the gentlelady. I just wanted to address a couple of the points that the gentleman from Ohio made.

The first is we don't in this legislation tell the counties how to run their elections. We leave this up to them, and it is entirely optional. There are States around the country who have instituted complete auditable election systems in a matter of months.

If a county or a State feels they cannot do it, then I would advise them not to opt in to this program. But we believe they can. Let's leave that to them rather than as the gentleman from Ohio would, try to decide for them whether this is something that they would want.

We believe from a number of indications that this will be useful in many counties and States around the country.

Mr. EHLERS. I yield 4 minutes to the Republican whip, the gentleman from Missouri (Mr. BLUNT).

Mr. BLUNT. I thank the gentleman for yielding and I come to the floor to talk about this bill with real appreciation for the hard work that the gentleman from New Jersey has put into this effort. I know it is a heartfelt effort on his part.

In fact, I first met his mother when we were both serving as the Secretaries of State of respective States, West Virginia and Missouri, at the time. I just come here to say that the States have handled the responsibility of the mechanics of election administration well for a very long time.

The process of voting, how you vote, the mechanics of what the ballot looks like, whether you have a straight ballot voting system, all that has been left to the States, and I think wisely so.

In the Help America Vote Act, the Congress provided States with over \$3 billion to modernize their voting systems, including allowing the States to decide whether they wanted to have a paper backup. In my State, the State of Missouri, the Secretary of State determined if that money was used, there would be no system authorized in our State unless the paper backup was part of that system. As it turned out, that was a very good decision.

But in the aftermath of the 2000 elections, many States took that incentive, that \$3 billion that was out there, and in my view made decisions more quickly than they otherwise would have.

This bill now offers a second round of money that would be available to encourage changing their systems, many of them that we know about today changing their system from a system they just used Federal money to change to. I think this is neither wise nor the responsible thing for us to do.

I also very much think that there is no reason to rush this bill at this time. There is not enough time left between now and the November election to change voting systems. Over 30 States have already conducted primary elections with the system they will use in November. The very worst time to change a voting system is an election that has overwhelming participation, as we believe this one will.

Election administration and the mechanics of election grew up in this country over decades and generations of voting and voting habits. To try to change those voting habits from a primary election some time earlier in the year to a new system, to be frankly tested the first time in probably the biggest election turnout that we have had or will have in a long time, is just a mistake.

To think that we should pass this bill today for the November election, I think, is as far off base as we could be. I am not absolutely opposed to the Federal Government encouraging States to do better with their election process; I am opposed to this feeling that we get into that creates an environment where the States have to make these decisions more quickly than they should, and particularly to make a decision like this just in advance of a high-participation election.

I don't think the \$3.2 billion so-called solution produced the right results. In fact, several States are now complaining that it produced problems. But they are the ones that decided that they would deal with those problems. Those problems, frankly, become less significant every time voters use a system. Maybe you made an investment that you wished you didn't make, but you made that investment. It is not impossible to either reverse it on your own or decide you are going to make it work.

I think this is the wrong approach at the wrong time. I encourage my colleagues to vote "no" on this bill today, not to give up in working with our friend from New Jersey to find a bill that would be helpful to the States, but not to pass a bill today that would only create with certainty more problems in November than we will have without it.

Ms. ZOE LOFGREN of California. Mr. Speaker, I just want to make it clear that the Holt bill is optional for jurisdictions. No one is required to opt in, so no one would be rushed unless they wanted and felt they could take advantage of this legislation. I would note also that several States have undergone very rapid conversion. I would note that Governor Crist from Florida was a witness before the Election Subcommittee in House Administration, and he had the entire State of Florida switch from the electronic machines to optical scan in really a matter of months. This is a matter of intention if you want to do it.

I reserve the balance of my time.



Mr. EHLERS. I am pleased to yield 3 minutes to the gentleman from Iowa (Mr. KING).

Mr. KING of Iowa. Mr. Speaker, I thank the gentleman from Michigan for yielding, and I appreciate the privilege to address you here on the floor of the House with regard to integrity in the ballot system.

I will say as a compliment to Mr. HOLT, he and I have had a number of conversations about integrity in the electoral process. We share concern that the electoral process here in America have the highest level of integrity. I, for one, actually sat in my chair for all but a couple of 37 days following the election of the year 2000 watching television, scooting around and surfing the Internet, chasing down the rabbit trails. I was on the telephone. At the time I was the chairman of the Senate State Government Committee in Iowa, and I didn't want Iowa to become a Florida.

As I educated myself, it was a crash course in the electoral process. I found fraud in elections in a number of States, at least solid newspaper and journalistic reports of fraud, and I became convinced that it was scattered throughout this country. And the pattern is hard to follow, but the conclusion I drew was if this country ever loses its faith in our electoral system, this constitutional republic will collapse due to a lack of faith of the people.

So integrity in the electoral process is important. I would rather lose an election than lose the integrity of the electoral process.

I come to this floor today to oppose this bill, however, because this is Tax Day, 2008, election year 2008, and we are watching the Presidential debates unfold and soon we will hear the congressional debates light up. To try to jump on this horse in the middle of this fast current of stream that we have racing toward an election, I think is a bridge too far for us to be able to get there without further damaging the integrity, rather than improving it.

□ 1430

I would urge this House to step back, take a look, take a deep breath, and come together with some legislation that would provide, of course, for a paper audit trail, which I support, but one that does so in a reasoned fashion, not in the middle of an election year, not something that's designed to patch some of the flaws that came with the Help America Vote Act, but something that's well thought out, something that's bipartisan, something that's reasoned, something that's cautious, and something that will preserve the integrity of the electoral system that we have. And that's why I come to the floor, Mr. Speaker, for that purpose.

And I support the position taken by the ranking member from Michigan and my colleagues, although I intend to continue to work with Mr. HOLT. Another point that I would make is

that we do have a disagreement in our viewpoint, and that is that I think we should, at the very last resort, impose obligations on the States. The States have run this electoral process. The Federal Government has a minimal involvement.

And so my view is, if the States have integrity, we have to be very careful because the voters within the States will be determining the next leader in the free world. I think the number was just 527 votes in Florida made the difference on who the leader of the free world was in the year 2000. That integrity is important. We must hold it together.

But I urge a "no" vote on this bill at this time.

Ms. ZOE LOFGREN of California. Mr. Speaker, I would just like to note that this has not been a hurried effort. In fact, we reported out of the House Administration Committee the original Holt bill before last Easter, Easter of 2007, and have been working with interested parties and across the aisle since that time.

It's worth noting that these changes can happen responsibly and also quickly. For example, in Lackawanna County, Pennsylvania, they're going to switch from DREs to optical scan in 7 weeks, before this primary.

And I would note that the legislature in Iowa has voted, I understand the vote was nearly unanimous, to transition from DREs to optical scan, and that's going to be done before this November election. So I think that this measure would help cities and counties who want to take those responsible steps.

I would yield to the author of the legislation, Mr. HOLT, an additional minute.

The SPEAKER pro tempore. The Chair will note that the gentleman from Michigan has 6½ minutes remaining. The gentlewoman from California has 6 minutes remaining.

Mr. HOLT. Mr. Speaker, under this legislation, the States and counties still have the responsibility for the mechanics of the elections. All we're saying is, if they put in place procedures to make them auditable, and procedures to audit the votes, we will assist them in the cost.

There are many things the gentleman from Iowa (Mr. KING) said we could be dealing with, and, indeed, we are not dealing with questions of registration and purging of names on registration lists and absentee voting and the openness of the tabulation phase of results. We are just talking about what happens in the voting booth, so that each voter will be able to verify, on paper, that her vote or his vote is recorded the way they intended, and then, those voter verified records be used to audit the results. It's that simple.

I can promise you that if jurisdictions don't take these steps, there will be many questions around the country that cannot be resolved. This is a sim-

ple, straightforward way to take care of it.

Mr. EHLERS. Mr. Speaker, I am pleased to yield 3 minutes to the distinguished gentleman from Florida, who has considerable voting experience, Mr. MICA.

Mr. MICA. I want to thank Ranking Member EHLERS and others for working on this bill.

I join in opposition to the legislation. First of all, let me say, my colleagues, there's nothing more important than the integrity of the election process in the United States and confidence that all Americans would have in making certain our system of election is secure.

But let me tell you, folks, this is compounding error and mistake Congress made, and here it is on Tax Day, 2008, that we're going to commit another two-thirds of a billion dollar mistake.

I sat on House Administration that oversees elections. I was there in 2000 when we had the problems in Florida with the hanging chads. We've all heard of the hanging chads. And everybody rushed here, and every vote's got to count; we've got to spend taxpayer dollars and make sure that every vote is counted; and we're going to put in a system, and we have to make it look like we're doing something to make certain that system's secure.

Now, we listened to the witnesses and they came before House Administration and they told folks that an electronic voting system, which would cost billions of dollars to implement, would have the possibility of error and just about the same percentage of error if you choose a lever, if you use a hanging chad ballot, if you use optical scan, if you use a paper ballot. And you can mess up any of those elections.

They told us. And then everybody rushed down. They voted it out of committee. We passed it. We spent \$2 billion or \$3 billion to put in place a system that they told us, well, somebody can pull the plug, the electronic thing doesn't work. Duh. Somebody can come up with some sort of electronic device. Even one of these might set it off and you might get some results.

They told us there might be errors, and they told us they didn't have a paper trail. Duh.

So here we are putting in place the system. On Tax Day, spend another two-thirds of a billion dollars. Keep working out there, Americans. Send it here because they'll spend it in some dumb fashion, and this follows that.

Now, we do want the system to work, but there are errors in everything. You heard them talking about the scan.

I went down and sat all night and watched the scan voting. It's simple. You just take a pen and you fill in the space. My God, I couldn't believe, hundreds of people, they put X's all the way around, they circled optical scan. They could screw up any kind of a ballot. A paper ballot. Actually I'm told that the old levers are probably the

best, that we took out for \$2 billion or \$3 billion worth of hard-earned taxpayer dollars and replaced with these electronic machines which now we're coming to correct. But they still have the same rate of error.

I guess it never stops around here. But here we are again spending that money on another whim. But we'll do it.

Ms. ZOE LOFGREN of California. Mr. Speaker, I just want to make a couple of comments. In the last several years, the United States has spent at least \$240 million to make sure that democratic elections in other countries met the same standards that we're hoping elections will be held to here. And so, obviously, every dollar that we have is precious tax money, but I would hope that we would be at least as interested in protecting the integrity of the elections in America as we are in protecting the integrity of the elections in Pakistan, Afghanistan and the like.

Secondly, I was not a member of the House Administration Committee when Mr. MICA, the gentleman from Florida, was. But I was on the Florida 13 Task Force, and we reached a conclusion. It was unanimous and it was bipartisan, and I don't second-guess them. We had GAO go in and they gave us a report, and we accepted that report. But had there been a paper trail we wouldn't have had to have the GAO go in and examine these machines.

And I would finally note that the gentleman is right. If you can mess it up, it will be messed up. But at least, with a paper ballot, you can discern intent. And if somebody circles the name instead of fills it in, and there is a recount, you can see what a voter meant to do. You cannot see that with an electronic machine.

So with that, and I understand the points being made, but I would hope that we can come together and support this bipartisan bill.

I reserve the balance of my time.

Mr. EHLERS. I yield 30 seconds to the gentleman from Florida (Mr. MICA).

Mr. MICA. I didn't get a chance to say this, but there is a quote that I think should be part of the record. And the quote is: "An informed electorate is the cornerstone of democracy and an educated electorate." And that's what we need to do.

And they make errors. Folks make errors. They just don't circle one and it's very clear. I'd love to bring the ballots here. Sometime I'll have to do that to show you how people can mess it up. But an informed electorate is the cornerstone of democracy. And, yes, we need to do all we can to make certain that they're provided with all the assistance from the Federal level to make certain that we have a fair, open, honest election.

Ms. ZOE LOFGREN of California. We don't have additional speakers. I wonder if the gentleman has additional speakers.

Mr. EHLERS. We have no further speakers. If you have none then I will make some concluding remarks.

I yield myself such time as I may consume.

We've heard a good deal of discussion on this bill. Some of you may recall Parkinson's laws from some years ago in which he commented that when there's a debate on a subject, the more the people know, the longer the debate. And I suspect we could go on considerably longer if we had more of the Members of Congress here simply because all of us have experience with elections.

I would like to point out a few items. First of all, the comments about the integrity of the system. I agree totally. The objective should be the complete integrity of the system to insure that every vote is counted accurately, and that every voter can be assured that their vote is not cancelled out by someone who has illegally voted the wrong way; in other words, through fraud or through mistakes by the machine.

I believe that the audits that Mr. HOLT has proposed are very important and should be developed. It should be developed with the help of the Secretaries of State and local election officials to develop a system that works, so that we can ensure that the count is as accurate as possible.

I also want to comment that the White House also has taken a dim view of this. They've issued a SAP this afternoon, somewhat to my surprise, that indicates that they oppose this bill and urge Members of the Congress to vote against it.

But I do want to look at this from the historical perspective, and as an older person, I've been around a while, and I've seen a lot of different elections. Recalling the early history of our country, all balloting was with paper. But because there was too much miscounting on opportunity for fraud, machines were developed: the iron monsters, as they called them, meaning the lever machines. And those were used for years, even though their error rate also was not zero. And then we've gone to many other voting methods over the years.

Now we're using high tech approaches with computers, and we have encountered some of the same difficulties.

I am not saying that you can't make a perfect machine. I am saying that as long as people are involved in operating them, there are likely to be mistakes.

And one of my classics that I remember is from the presidential election in 2004, when in Los Angeles County there were something like nine candidates for President listed on the ballot. This was an optical scan ballot. Over 3,600 voters crossed through the oval for candidates other than President Bush and left his blank.

Now, how is one to interpret that? Did these voters think they should leave the Bush oval blank because that was who they wanted to vote for? Or were they saying "Anyone but the President? Who knows. As long as

those types of mistakes are possible, they will be made. And we have to do our best here to work diligently, with, and I emphasize "working with" very strongly, working with the local elected officials, the State-elected officials, and continue to do as best we can to perfect the best possible voting system.

And with that, I will yield back.

Ms. ZOE LOFGREN of California. Mr. Speaker, I urge that we pass this important legislation today.

I will confess that I am disappointed that the ranking member is not today in support of this measure. We, on the majority side, accepted every amendment offered by Republicans in the committee mark-up on this bill, and I had hoped and expected that we would be able to continue to work together and support this measure on the floor.

We reported the original Holt bill out of the committee over 1 year ago, and in that time, between now and then, we have worked with Secretaries of State, the National Association of Counties, disability rights groups, voting rights groups, civil rights groups, to try and get a measure that could garner broad support across the country. And I believe that we have that measure before us today.

I will say that the White House issuing an SAP today, after a year's work, I think, is really bad faith. We have worked very hard, and to come out at the last minute is really very unprofessional.

I'd finally like to say that the dollar amount estimated by the Congressional Budget Office is a worst-case scenario. There's no way that that would be the full amount.

But even if it were, I would ask Members to think of this: Isn't the American democracy worth as much as the Iraqi or the Pakistani democracy?

□ 1445

Aren't we willing to spend as much to make sure that our precious American votes are counted as we are the votes of foreigners in other countries? I would hope that as we consider our responsibility as Members of Congress to our wonderful America and our wonderful country, that the answer to that would be yes and therefore, a "yes" on the whole bill.

There have been various quotes made today, but I think back of the second Californian to ever be President of the United States, his phrase was not used about voting, but it was this: Trust but verify. That's what the Holt bill would do. It would trust but verify, and I hope that Members today can come together and support the Holt bill.

I would like to commend once again Congressman HOLT for his enormous efforts that brought us here today.

Mrs. CAPPS. Mr. Speaker, as a cosponsor of the Emergency Assistance for Secure Elections Act, I rise in strong support of the bill.

Voting is the most fundamental element of democracy. It is the mechanism by which citizens hold their government accountable for its actions. This most critical of democratic actions depends, however, on voters' confidence



that their votes are counted fairly and accurately.

Voters have lost this confidence.

Election after election, year after year, millions of voters cast votes not knowing if their votes will count because the machines produce no paper records.

The Help America Vote Act of 2002 was supposed to resolve these problems. However, it failed to address several major issues that continue to plague the system and undermine the legitimacy of our elections.

This so-called response to the 2000 election debacle in Florida failed to implement accountability measures to ensure that every vote is cast and counted accurately.

The Emergency Assistance for Secure Elections Act would address this problem by providing funding for states and counties to implement safe, secure and auditable voting systems in time for the 2008 general election.

It would reimburse jurisdictions that choose to convert to paper-based voting systems. The reimbursements also cover emergency paper ballots used in the event of machine failure, and the cost of conducting hand-counted audits or hand counting the results of elections.

We must act to restore confidence in our election system. The Emergency Assistance for Secure Elections Act will help restore this confidence and help ensure that all votes are counted and recorded properly. I urge my colleagues to fulfill their responsibility to American voters by voting yes on this critical bill.

Ms. SCHAKOWSKY. Mr. Speaker, I rise in support of H.R. 5036, the Emergency Assistance for Secure Elections Act of 2008.

I think everyone in the chamber today remembers the frustration and disbelief we all felt in November 2000 as hundreds of volunteers poured into Dade County Florida to oversee the recount of the Presidential election. As the future of our nation swayed in the balance, we all thought to ourselves, Can this actually be happening in America?

The answer, unfortunately, was yes. As devastating as that event was, I think we learned two very important lessons. The first is that every vote really does count. Every person who is eligible must get to the polls. The second lesson learned is that our system of elections is broken. Changes must be mandated, improvements must be made.

That is why I am proud to rise in support of H.R. 5036. This bill takes real steps to improve the transparency and accuracy of electoral process by minimizing the financial burden placed on local governments to ensure the accuracy of election results.

H.R. 5036 fully reimburses jurisdictions that choose to offer paper ballots on Election Day. In the 2006 election cycle, we learned that electronic voting machines are not always reliable, often malfunctioning and creating substantial complications on Election Day. H.R. 5036 also subsidizes manual recounts of elections results if basic minimum requirements are met. We must provide resources to the states to ensure that the elections they conduct are fair and accurate.

Both provisions provide absolutely necessary funding to alleviate the significant burden placed on local and county governments when holding elections. This relief is critical to ensure that local government entities can protect the legitimacy of election results without enduring financial hardship.

While, I recognize the fact that more must be done, I also believe that this bill is a very

good start and I want to commend my good friend and colleague, RUSH HOLT, for his leadership on this issue. Even a month ago, it appeared that passing this bill was impossible. However, thanks to Representative HOLT's tireless efforts to work with members of Congress on both sides of the aisle, that impossibility becomes reality today. America will be a better place for his efforts on this issue.

Mr. KUCINICH. Mr. Speaker, elections are the bedrock of our republic. Our capacity to function as a tripartite government of co-equal branches rests in the public's assurance that those of us entrusted to administer and legislate assumed our offices through free, fair and open elections.

I laud Congressman RUSH HOLT and his efforts to ensure the integrity and accuracy of our voting system. However, today I must rise in opposition to H.R. 5036, the Emergency Assistance for Secure Elections Act of 2008.

H.R. 5036 acknowledges that problems exist in our system of voting, and that without action now these problems will grow. For this reason the legislation has merit. While H.R. 5036 includes a provision to reimburse jurisdictions that convert their paperless voting system to one that includes a paper trail, it may also include optical scan technology. I have serious concerns with optical scan technology and its susceptibility to hacks and security breaches. Recent tests and research have demonstrated the ease with which a person can manipulate the configuration files to change votes. What's more, most of the equipment necessary to accomplish this can be purchased off-the-shelf at most technology stores.

Indeed, our voting system needs improvement, but replacing one flawed technology with another will do little to garner public faith in the electoral process. Let us make comprehensive electoral system reform a priority, and let us enact a policy that ensures system integrity, system security, and that each and every vote is counted.

Ms. ZOE LOFGREN of California. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. ZOE LOFGREN) that the House suspend the rules and pass the bill, H.R. 5036, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. EHLERS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

#### HOUSE SALARIES

Mr. BRADY of Pennsylvania. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5493) to provide that the usual day for paying salaries in or under the House of Representatives may be established by regulations of the Committee on House Administration.

The Clerk read the title of the bill. The text of the bill is as follows:

H.R. 5493

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. AUTHORITY OF COMMITTEE ON HOUSE ADMINISTRATION TO ESTABLISH DAY FOR PAYING SALARIES IN OR UNDER THE HOUSE OF REPRESENTATIVES.

Section 116(a) of the Legislative Branch Appropriations Act, 2002 (2 U.S.C. 60d-1) is amended by adding at the end the following new sentence: "Notwithstanding the previous sentence, the Committee on House Administration may by regulation provide for the payment of salaries with respect to a month on a date other than the date provided under the previous sentence as may be necessary to conform to generally accepted accounting practices."

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. BRADY) and the gentleman from Michigan (Mr. EHLERS) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania.

#### GENERAL LEAVE

Mr. BRADY of Pennsylvania. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks on this bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. BRADY of Pennsylvania. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 5493 is a bill to address the frequency of staff pay periods in the House. It provides that the day for paying staff may be regulated by the Committee on House Administration. The House of Representatives currently pays the staff once a month. The executive branch, the Senate, and most private companies pay their employees twice a month or every two weeks.

We are considering a change because once-a-month pay can be difficult for staffers budgeting on a tight paycheck. In addition, the committee's oversight experience with payroll software suggested adopting a more common approach will save money, reduce errors and increase efficiency. Unfortunately, the committee can't change the pay schedule for House staff until we change the law.

This bill will give the committee the authority to change the date that staffers are paid. It won't change the pay schedule right away. Once this bill is enacted, the committee will adopt regulations that change the pay cycle.

I would like to thank my friend and colleague, Mr. EHLERS, for cosponsoring this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. EHLERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 5493, which would establish that the pay date in the House be determined by Committee on House Administration